

**The United Kingdom Control Plan for the Weighing of Fisheries Products after  
Transport to a destination within the UK from the place of landing  
Council Regulation 1224/2009 and Commission Implementing Regulation  
404/2011**

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## **Introduction and Summary of Requirements**

1. The provisions of Council Regulation 1224/2009 (“the Control Regulation”) require Member States to ensure that all fisheries products are weighed on approved weighing systems.
2. The weighing must be carried out on landing prior to any fisheries products being held in storage, transported, or sold, unless a Control Plan is in place which has been approved by the European Commission. This permits weighing to take place within the UK after transport away from the port of landing. This Control plan shall remain in place for three years unless modification is required, and shall be submitted for approval by the Commission in accordance with the regulation.
3. Many landings in the UK occur in small ports where there are no weighing or market facilities and fish is transported for sale at a registered auction, or direct to merchants and fish processors, or other register buyers.
4. Registered buyers or sellers are responsible for the accuracy of the weighing operation unless the obligation to weigh is met through weighing on board the fishing vessel where the responsibility for accuracy rests with the vessel master.

## **Approval of weighing systems**

5. In the UK the National Measurement Office (NMO) is responsible for the approval of weighing systems, and the Local Authority Trading Standards Officers (or designated representatives) are the competent authority responsible for the certification of weighing systems.

## **Article 61(1) Control Plan (Weighing after Transport within UK)**

6. The purpose of a Control Plan is to minimise the risk of non-compliance with the Rules of the CFP when fisheries products are permitted to be weighed after transport to a destination within the UK.
7. The destination of the landed catch and the manner in which it will be sold determines the weighing requirements and responsibilities of the operator. The options available to operators who chose not to weigh all fish or comply with the established sampling plan on landing are:
  - (i) Fish transported to designated auction market and offered for sale - the seller must comply with the sampling plan provisions at the auction market
  - (ii) Fish transported to a registered buyer – all fish must be weighed on receipt and the buyer is responsible for the weighing operation and maintenance of the weighing records.

## Control Plan Criteria

8. To assess the risk of non-compliance with the rules of the CFP at ports and locations within the UK, the following criteria have been assessed in accordance with the methodology set out in Title IV and Annex XXI of the Implementing Regulation:
  - (i) levels of landings of fisheries products which are weighed after transport from the place of landing
  - (ii) levels of previously detected infringements associated with landings of fisheries products weighed after transport from the place of landing;
  - (iii) known levels of transport controls;
  - (iv) availability of quota for those fishing vessels making landings which are weighed after transport from the place of landing;
  - (v) use of standardised boxes by the vessels which are the provenance of the fisheries products; and
  - (vi) the risk of fraud at the port/location.
  
9. The reference period for the Control plan criteria is landing and inspection activity in UK ports for 2010 where catches were transported from the place of landing. Should there be a significant change in fleet behaviour which requires the plan to be reassessed using more recent reference data, a sampling plan modification will be submitted to the Commission for approval in accordance with Article 77(5) of the Implementing Regulation.

The criteria will be defined as follows:

### **Levels of landings of fisheries products which are weighed after transport from the place of landing**

10. This will be defined as the number of landings at each port for regulated species which are transported to a destination within the UK with the corresponding number of days absent from port for each landing and the tonnage of regulated species landed.

In addition to the specified criteria, the UK will also make an assessment against landings of non-regulated (non-TAC) species.

### **Levels of previously detected infringements associated with landings of fisheries products weighed after transport from the place of landing;**

11. All infringements detected at the port or location for catches transported from the place of landing will sub-divided into four categories depending on the enforcement action taken (lowest to highest risk):

- Category 1: Advisory letter and re-brief
- Category 2: Official written warning
- Category 3: Financial administrative penalty
- Category 4: Prosecution

The total number of infringements in each sub-category will be weighted according to the severity of the action taken.

### **Known levels of transport controls;**

12. The number of transport inspections at the port, destination or at locations outside the port of landing, where vehicles have been inspected for catches on board and compliance with transport documentation.

### **Availability of quota for those fishing vessels making landings which are weighed after transport from the place of landing;**

13. The majority of regulated stocks are subject to sectoral quota management arrangements in the UK and it is assumed to be consistent across UK ports and therefore a risk factor of 1 will be assigned. Stocks not subject to sectoral management will be assigned a higher risk factor.

### **Use of standardised boxes by the vessels which are the provenance of the fisheries products**

14. Use of standardised box weights varies across the UK. A risk factor of 1 will be applied for ports/locations where standardised boxes are not used, and a higher risk factor will be applied where standardised boxes are used. It is assumed that the use of standardised boxes represents a greater risk of non-compliance with the rules of the CFP.

### **The risk of fraud at the port/destination**

15. For a given marketing scenarios we will assess the risk of fraud and assign a factor of 0 to 5 taking account of the following mitigating and aggravating risks which may include, but not be limited to:

- (i) The opportunity to inspect the catch at the point of landing or at destination(s).
- (ii) Destination of fisheries products transported and the manner in which it is sold.
- (iii) Intelligence related to compliance, which may include market conditions.

### **Normalisation**

16. As the assessment of risk involves combining different risk factors together, and to avoid any one of these factors disproportionately influencing (skewing) the result, the data will be normalised.

### **Calculation of the risk of non-compliance**

17. The overall risk of non-compliance is calculated as follows:

$$\text{Risk of non-compliance} = (A + B + C + D + E + F)$$

A = tonnes of regulated species landed by days absent from port (normalised value);

B = Weighted infringements (normalised value);

C = known level of transport controls (normalised value)

D = Availability of quota.

E = Standardised boxes

F = Risk of fraud

### **Risk of Non-compliance Levels**

18. The total score for each marketing scenario is used to categorise the level of risk of non-compliance with the rules of the CFP from Very Low to Very High as follows:-

<b>Level of Risk</b>	<b>Score</b>
Very Low	TBC
Low	TBC
Medium	TBC
High	TBC
Very High	TBC

### **Risk assigned to UK ports/locations in accordance with Article 61(1)**

19. The risk for each port in the UK will be calculated and observed sampling levels will be conducted in accordance with this risk.

### **Weighing Records for catches not weighed in accordance with the sampling plan**

20. Registered sellers, registered buyers, and vessel masters (where appropriate) are required to keep a record of the weighing they undertake of catches being marketed for the first time.

The record which must be kept for 3 years must include:-

- The FAO alpha-3 code of the species weighed;
- The result of each weighing for each quantity of each species in kilograms product weight;
- The name and PLN of the vessel which landed the catch;
- The presentation of the products weighed; and
- The date of weighing recorded as (YYYY-MM-DD).

### **Control Arrangements to ensure weighing obligations are met**

#### **Programme of inspections**

21. Catches being transported prior to weighing will be inspected on the basis of the risk based methodology described above. Inspections will be recorded in accordance with Article 76 of the Control Regulation.

#### **Availability of Transport Documents**

22. Fish transported must always be accompanied by a transport document. If transported within 20km of the port, the document does not have to be submitted but must be retained. Where fish is transported 20km beyond the place of landing a transport document must be submitted.

23. Each consignment on board must be accompanied by a transport document which provides traceability from the vessel which landed its catch to the destination. Each lot transported within a vehicle must be identifiable.

### Provisions regarding the verification of documents and cross checks

24. Cross checks of documents will be undertaken as necessary as part of the compliance monitoring regime of the control plan.

### Provisions regarding integrity and details of seals placed on vehicles

25. Where a transport vehicle is sealed, the seal:

- (i) Shall contain a unique identifier
- (ii) Shall be clearly identifiable as an official seal of a UK fisheries administration
- (iii) Cannot be removed without being destroyed.

### Weighing of fisheries products in the presence of officials

26. Inspections of registered buyers and auction centres will be undertaken in accordance with the UK's risk based, intelligence led enforcement policy. During such inspections weighing will be observed by officials in accordance with the risk levels established in the table below:

Marketing scenario	Minimum proportion of transported catch to be weighed in the presence of officials when an inspection is undertaken.				
	Very low	Low	Medium	High	Very High
Fish transported to designated auction market	Compliance with the weighing obligations will be monitored in accordance with paragraphs 25 and 26 of the UK sampling plan established under Article 60(1).				
Fish transported to a registered buyer	0%	2%	4%	8%	10%

### List of risk assessed marketing scenarios

Annex I

### Measures to ensure sample weighing is carried out

27. Compliance with these provisions will be monitored through:

- (i) Observed weighing;
- (ii) Check weighing;
- (iii) Cross checks on statutory documentation;
- (iv) Audits of registered buyers and sellers records.